



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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## MINUTES STATE BUILDING CODE COUNCIL

**Date:** November 4, 2005

**Location:** Holiday Inn Select, Renton

**Council Members Present:** John Neff, Chair; Peter DeVries, Vice Chair; Dave Baker; John Cochran; Stephen George; Mari Hamasaki; Diane Hansen; Tom Kinsman; Steve Mullet; Terry Poe; Dale Wentworth, Ron Fuller

**Council Members Absent:** Rory Calhoun, Kristyn Clayton, Neva Corkrum

**Visitors Present:** John Hogan, Paul O'Connor, Greg Rogers, Bill Disney, Michael Barth, Kraig Stevenson, James Gray, Tom Nichols, Kevin Watier, Victoria Lincoln, Maureen Traxler, John Roth, Bob Deschutes, Rick Jensen, Chuck Murray, Liz Klump

**Staff Present:** Tim Nogler, Krista Braaksma, Sue Mathers

### CALL TO ORDER

John Neff, Council Chair, called the meeting to order at 9:03 a.m. John welcomed everyone to the meeting. Introductions were made.

### REVIEW AND APPROVE AGENDA

John Neff clarified that the order of items to be considered in the work session is the same as in this afternoon's executive session: IFC/IBC nightclub sprinkler rules; IFC/IBC hoistway pressurization special inspections; IBC doors, gates and turnstiles; IBC/ANSI; safety glazing, emergency to permanent rule; economizer, emergency to permanent rule; policies and procedures. He also noted that amendments affecting more than one code will be voted on simultaneously.

Tim Nogler suggested that HVAC efficiency be considered first under the Energy Code Workshop. He said it's a very specific item that can be dealt with quicker than the Energy Code TAG report on the International Energy Conservation Code (IECC). The amended agenda was adopted.

## **REVIEW AND APPROVE MINUTES**

The minutes of the October 14, 2005 Council meeting were reviewed and approved as written. John Neff thanked Steve Mullet for chairing that meeting.

## **PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA**

Kraig Stevenson, International Code Council (ICC), noted that formatting differences between the Washington State Energy Code (WSEC) and the IECC quickly became apparent at Energy Code TAG meetings. As a result, he asked ICC management in the Publications Department about the possibility of states receiving assistance from ICC to make the format of their energy codes equivalent with the IECC format. ICC indicated its willingness to assist states in such an endeavor. Kraig said he's unable to estimate the cost.

John Neff thanked Kraig. Such helpful assistance will be kept in mind.

## **ENERGY CODE WORKSHOP**

### **HVAC Efficiency**

Tim said the HVAC efficiency issue deals with an air conditioning efficiency rule that the Council adopted at the end of 2004 that became effective on July 1, 2005. He said a recent letter to the Council from the Air Conditioning and Refrigeration Institute (ARI) questioned the state's ability to make effective a federal standard prior to the date that the federal standard becomes effective. Tim also recalled testimony from industry representatives about the abundance of warehoused, lower efficiency air conditioning units.

Terry Poe and Tim have been working on the issue, surveying the industry to determine the scope of the problem. Another letter from ARI again questions the state's premature action making lower efficiency air conditioning units obsolete. It's contrary to the federal act that allows manufacturers the ability to continue manufacturing lower efficiency units up to January 23, 2006.

After reviewing the federal act and talking with representatives of the states of Oregon and California, Tim said it appears that ARI is correct. The Council exceeded its authority when enacting an installation standard that prohibits lower efficiency air conditioning units that the federal government allows to be manufactured until January 23, 2006. Thus it is recommended that the Council now amend the HVAC efficiency

rule that was adopted in 2004 through emergency rulemaking. Since manufacturers are prohibited from manufacturing lower efficiency units after January 23, 2006, the assumption is those units will be eliminated over time. Tim said the permanent rule following the emergency rule should be consistent with federal law.

Terry Poe agreed with Tim. Dave Baker said that Washington has mandated higher efficiency standards frequently in the past. He said lower efficiency air conditioning units can be manufactured in Washington and sold inside the state until January 23, 2006. The installation in Washington is simply prohibited, not the manufacture. Terry said that the way the federal act is written, that choice is prohibited.

Tim said that Washington could have been exempted from the federal rule if a waiver had been requested from and approved by the Department of Energy (DOE). He said that proof of Washington's uniqueness is required by DOE, with compelling rationale for the exception. Tim said the federal act is very specific about what a state can and cannot do.

John Neff asked staff to draft an emergency rule amending the HVAC efficiency and to distribute it to Council members and the public for comment.

#### **Motion #1:**

**Dave Baker moved to direct staff to draft an emergency rule amending the air conditioning efficiency rule adopted in 2004 to be consistent with federal law. Terry Poe seconded the motion. The motion was unanimously adopted.**

#### **TAG Report on IECC**

Tim introduced Chuck Murray, a TAG member representing Washington State University. He said that Chuck will present the TAG report in the absence of Kristyn Clayton, the TAG Chair.

Chuck said the Council directed the Energy Code TAG to compare the IECC with the WSEC, preliminary to possible adoption of the IECC by Washington. He said that early in that task, direct linkages of the IECC to ASHRAE 90.1 and the International Residential Code (IRC) became very clear. The most contemporary edition of the IECC was compared, sometimes as the IECC was being developed for the 2006 code.

Chuck noted the WSEC is composed of two distinct sections, addressing residential and nonresidential construction. He said that typically residential construction has a more rigorous building envelope requirement than nonresidential. There is however occasional cross-reference between the two sections.

The TAG comparison used the IECC as the base document. IECC sections were examined to determine if they meet current statutory requirements in Washington or require an amendment to achieve the same stringency as the WSEC. Chuck said that

Washington's energy legislation is so specific, such as requiring R-30 floor insulation in electric-resistance-heated residences, that the TAG wasn't comfortable changing such specifics.

Chuck said the WSEC, in some areas, includes details that are not included in the IECC. So the TAG's question, in such cases, was "Does the IECC provide adequate coverage?" The TAG also examined whether the IECC provides adequate detail to ensure proper enforcement. Detail is important to the TAG not only to ensure energy efficiency, but also to prevent contention between building departments and installers.

Questions asked by reviewers were: Are the WSEC and IECC substantially the same, with differences easily amended? Or are differences more complex because of references in the IECC and the domino effect of amendments? Chuck said there are many differences between the codes, both in organization and stringency.

At the beginning of the Executive Summary, the TAG summarizes the statutory requirements in Washington that the IECC fails to meet. The importance of these requirements varies. One important, complex issue is the fact that the IECC and WSEC define "residential building" differently for the purpose of energy conservation. In Washington, all Group-R structures are residential buildings. On the other hand, the IECC defines residential buildings as one- and two-family dwellings, townhouses, and apartments up to three stories.

Some other important differences include: the small business exemption in the WSEC, such as modified requirements for window testing; the fact that the WSEC and IECC use different methodology for the glazing area used to calculate equivalent thermal performance criteria, or the component tradeoff method; the fact that the WSEC distinguishes electric resistance heat from all other fuel types, while the IECC does not; the IECC fails to meet the prescribed minimum equivalency for insulation established by the WSEC; the WSEC exempts log walls over 3 and one-half inches thick from insulation requirements, but the IECC does not.

Differences outside of statutory requirements include such things as: envelope differences in the R-value for masonry walls; glazing U-factors; HVAC; lighting controls; energy budget (Btu/square foot/year) used in Washington versus energy cost (operational cost/year) used in the IECC. Chuck said a big difference is the target UA alternative, commonly used in Washington to exchange the efficiencies of roof and wall components in nonresidential buildings. The target UA alternative does not exist in the IECC for nonresidential buildings.

Chuck said the TAG proposed five possible Council actions:

- Option 1: Adopt the IECC, ASHRAE 90.1 and the IRC with amendments.
- Option 2: Adopt the IRC with amendments and use the WSEC for all other residential and nonresidential construction.
- Option 3: Keep the WSEC.
- Option 4: Amend the WSEC with the IECC/IRC.

Option 5: Adopt the IECC without amendment.

These options are outlined in a table on page 16 of the TAG report. For each option, the TAG determined whether the resulting code would comply with statutory requirements. It also identified the complexity of each option, as well as preliminary tasks that both the Council and the TAG must accomplish. Finally the TAG identified necessary studies and activities for each option, and anticipated when each option could realistically be accomplished.

Because of the number and complexity of differences between the WSEC and the IECC, and because the IECC fails to meet some statutory requirements, the TAG recommends against adopting the IECC without amendment. More than 150 complex amendments are necessary to make the IECC, ASHRAE 90.1 and the IRC compatible with the WSEC.

Several options require detailed review of the entire ASHRAE 90.1. Chuck said that, given time constraints, the TAG's review of that document was incomplete.

Most Energy Code TAG members recommend keeping the WSEC and maintaining the current process. Included in this option is continual review and improvement of the IECC. A close, alternative recommendation of TAG members is to amend the WSEC with IECC language to bring the codes closer together. The TAG found some good features in the IECC, such as clarity and alternative options not currently available in Washington.

Dave said the legislative mandate to the Council was to adopt rules requiring a certain building performance, rather than having specifics present in buildings. Thus he asked Chuck if the TAG looked just at specifics, or at alternatives to achieve the same performance. Chuck said the TAG didn't do comparable energy use evaluations. John Neff also expressed interest in that question.

John Neff thanked Chuck for his presentation and applauded the work done by the TAG. He asked Chuck if the comparison was of the IECC/ASHRAE 90.1/IRC to statute or to current code, because code requirements exceed statutory requirements in some cases. Chuck said 150 amendments are not needed to meet statutory requirements. He said he believes the appendix adequately identifies amendments needed to meet statute.

John Neff asked if it would be a significant amount of work to eliminate the cost budget from the IECC. Chuck said he's not sure how much work is involved, because the software used in Washington deals with energy budget information.

Tom Nichols, Smokey Point Windows, told Council members that the small business table needs to be modified. He said that small businesses, particularly small window manufacturers, are at a great disadvantage competing under the energy code without an exemption. He asked the proper course of action necessary to get the small business table modified. John Neff asked Tom if he means that the table in the current WSEC needs modification. Tom answered yes. Chuck said the TAG recognizes the importance of the

small business exemption. He said that the deadline each year for statewide code change proposals is March 1. John suggested that Tom talk to staff at a break in the meeting or at its conclusion about how to submit such a proposal. John Neff said that as far as the lack of a small business exemption in the IECC, that's a policy issue the Council needs to consider when it decides whether or not to adopt the IECC. Tom asked for confirmation that the TAG will address the issue. John Neff and Chuck both said that it's in the current TAG work plan.

Dave said the question that first needs to be decided by the Council is if it wants to continue writing codes. In the past no other energy codes existed, so there was no choice but for Washington to write its own code. That is no longer true, however. Dave said the question is philosophical and has never been discussed by the Council. He said the Council needs to have that discussion to be able to give the TAG proper direction. Dave doesn't believe the Council is ready to choose an option about energy codes before it answers the philosophical question.

#### **Motion #2:**

**Dave Baker moved that the Council accept the report from the Energy Code TAG, the Technical Comparison Document of the Washington State Energy Code and the International Energy Conservation Code. He also moved that the Council reserve time to discuss the philosophical question about whether or not it wishes to continue writing an energy code. Peter DeVries seconded the motion.**

John Neff said that discussions held last year indicated the Council's desire to no longer write and maintain Washington's own energy code. He suggested holding a public hearing in January on the issue, to receive testimony from all interested parties. Steve Mullet spoke in support of the motion. He said he would like more technical comparisons from the TAG. John Neff said the policy and philosophical discussion should occur before further TAG work.

Several Council members spoke in support of Option 3. Peter DeVries supports the motion. He applauded the work of the Energy Code TAG. Peter suggested directing the TAG to focus on Options 3 and 4. Council members felt they aren't yet ready to direct the TAG, before having the philosophical discussion. John Neff said that the current TAG work plan is essentially Option 3.

Dave said the TAG deserves a well-earned rest. He recommends that the TAG suspend its work plan until the Council has its philosophical discussion and is ready to give the TAG direction. John Neff agreed. Tim cautioned that some of the issues are time sensitive.

**The question was called for. Motion #2 was unanimously adopted.**

## **WORK SESSION**

### **Fire Sprinklers in Nightclubs**

Diane Hansen called attention to language proposed by the state fire marshals and fire chiefs associations, adding “the fire code official for the application of this rule may establish an operating occupant load based on the observed use of an occupancy in accordance with Table 1004.1.2.” Another proposal by Jon Siu was similar, amending “fire code official” to “authority having jurisdiction.” Based upon the code hierarchy, Diane said that most people would view the authority having jurisdiction as the building code official. In any jurisdiction, however, she believes the best proposal is having the fire service and building code officials work together.

Diane said neither certificates of occupancy nor building plans are posted in many buildings, for one reason or another. She said the certificate of occupancy is established by the building code official from looking at a set of plans at the time the building is proposed for construction. Diane noted that building code officials and fire code officials have different charges. Because fire code officials regularly inspect buildings and respond to life/safety emergencies, they are the most familiar with the buildings. It’s a big problem that occupant loads established by building officials at the time buildings are proposed for construction change over time, no longer reflecting the buildings’ current use.

Diane said that in the event that occupant loads need to be changed, notified building owners petition building code officials. The unintentional result of that process may be that building upgrades, such as plumbing modifications, are required to comply with building code requirements enacted since the original certificate of occupancy. Diane said that clearly is not the intent of the legislation, to require anything other than sprinklers in establishments meeting the definition of nightclub. In the event of disagreement, business owners have the option of appealing any ruling.

Proposed language defines paid performing artists: “Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.” John Neff noted that a person performing before an audience was not the only way the Legislature defined paid performing artists. He said the enacted legislation also includes recorded music conducted by a person employed or engaged to do so.

Diane said that fire code officials don’t want to get into a position of usurping building code officials in establishing the official occupant load. They simply want to use it to determine whether or not sprinklers are required. Referring back to one of Diane’s earlier comments, John Neff said the hierarchy of codes is still patterned in statute after the Uniform codes, despite recent change to the International codes, which definitely give the fire code official the lead.

Tom Kinsman said he finds the fire marshals’ introduction of a new term, operating occupant load, very troubling. He asked what that term means, since it’s not defined in

statute. He predicted that use of such a term will be confusing, creating a controversy between the fire code and the building code.

Tom also said that debating the question of who should determine the occupant load, the fire official or the building code official, is outside of legislative intent. It unnecessarily confuses the issue. He disagreed with the statement of a fire marshal who testified last week that fire officials don't have authority to enforce building code requirements. Tom said they routinely enforce such things as exits, exit signs and locked doors. He believes that determination of occupant load will vary by jurisdiction. Some will be determined by the fire official, some by the building code official, and some jointly by both.

Dave said that the calculated occupant load has nothing to do with the number of people present in a building. Rather it's design criteria to determine the number of exits, exit widths, whether sprinklers are required. Diane said that's true for building code officials. However for fire code officials, it's the number of people in the building.

Diane said it's a huge problem. Section 107.6 of the fire code prohibits overcrowding. However it's not a simple matter of shutting a business down when overcrowding is found. In such cases, fire code officials face violent reactions from the building's inhabitants.

Kraig Stevenson said that the method used to determine occupant load is different in the International Codes from what it was in the Uniform Codes. The International Codes allow more exits and exit paths. John Neff said the statute clearly states the occupant load is "one person per 10 square feet or less."

Diane emphasized that establishments have to meet all elements of the definition of nightclub to qualify. The intent is not to require all buildings to have a fire sprinkler, only those with a concentrated use. She said the jurisdictions most impacted will be Seattle, Tacoma and Spokane.

John Neff said the legislation outlines the following timetable:

- Council adoption of rules by December 1, 2005 and submittal to the Fire Protection Policy Board (FPPB) by December 15, 2005.
- FPPB response by February 15, 2006.
- Immediate action by Council to FPPB proposed changes, with resulting rule effective on December 1, 2007.

John Neff said the intent of the fire marshals and the Council is to adopt the final rule sooner, because notification to affected businesses can't occur until that's been accomplished. He spoke against the above schedule, which necessitates sitting through the 2006 legislative session.

John Neff said if the Council moves the rule today, the FPPB can consider it at a November 30 meeting. The Council will then hold a special conference call meeting on December 1 to review FPPB recommendations and amend the rule, if need be. After further discussion, it was decided to conditionally adopt the rule based upon FPPB action, with final approval on December 1, 2005.

### **IBC/IFC Hoistway Pressurization Special Inspection**

No discussion.

### **IBC Doors, Gates and Turnstiles**

John Cochran said Oregon introduced a very similar amendment at the International hearings. Tim said this proposal was made by the state chapter of the American Institute of Architects to allow the use of manually operated sliding glass doors in other than Group H occupancies with an occupant load of 10 or less. Tim said the Council proposal was submitted to ICC for their consideration. They were concerned that the language was too broad. The language proposed by the State of Oregon was very specific to intensive care units and patient rooms. Tim said it will be included in the 2006 edition of the IBC. Tom and John Neff spoke in favor of the broader application.

### **IBC/ANSI**

No discussion.

### **WSEC Safety Glazing**

No discussion.

### **WSEC Economizers**

No discussion.

### **Policies & Procedures**

John Neff said he wants four separate motions this afternoon for WAC 51-04: definitions, statewide amendment process; local amendment process, editorial changes. Therefore he suggested that discussion now follow that order.

## **Statewide Amendments**

Tom expressed concern about the delayed effective date of statewide amendments submitted through the model code process. John Neff said the intent was to return code adoption to a three-year cycle. Statewide amendments become effective when the Council adopts model codes every three years. The Council can adopt them every year; but they become effective every three years.

Dave Baker agreed with John Neff. He said the Council got off the three-year cycle when the state switched from the UBC to the IBC. This returns code adoption and ties the effective date of statewide amendments to the three-year cycle.

Diane suggested amending the statement “statewide amendments as approved by the Council shall be submitted to the appropriate model code organization” to “...shall be submitted at the direction of the State Building Code Council, to...” Her proposal is to avoid transmitting such issues as barbeques or Christmas trees to a model code organization. Both were identified as local, unique issues. Tim said, in such cases, the state recommendation to the model code organization would be to repeal the issue out of the model code, similar to what was done on the state level.

## **Local Amendments**

Tom said he has concerns about what a “finding of fact” is. John Neff questioned whether city councils are aware of the five criteria upon which local government residential amendments are based. Tom recalled the subjects of local amendments that have been adopted by the Council: garage/house separation, smoke alarms, cedar shakes, foundation walls, sprinklers, sound transmission. He questioned their uniqueness. He said the Council should either reject local amendments because they don’t meet uniqueness criteria, or it should change the criteria.

John Neff asked Kraig Stevenson why he proposed to add error/omission correction as criteria for justification of a local amendment. Kraig said it’s criteria for justifying statewide amendments. There have been local amendments, such as the proposal for a nail plate over a duct, that correct omissions in the model codes. He said that particular proposal, included in both the electrical and plumbing codes, was lacking in the IMC. John Neff said if the local amendment corrects an error or omission in a model code, it should be a statewide amendment. Tom spoke against Kraig’s proposal.

Michael Barth said the uniqueness issue is not always brought up when discussing a local amendment. In some cases, such as with the City of Seattle, the more compelling argument for the local jurisdiction is that the amendment is necessary to correct a local ordinance. He believes such amendments should be allowed to be brought forward to the Council.

John Neff said that the statute allows the Council to pre-approve any local governmental, residential amendments that it determines appropriate for adoption by other local governments. Dave said local jurisdictions should notify the Council if they adopt a pre-approved amendment. Diane reminded him that local jurisdictions have been asked on several occasions to submit copies of all their ordinances to the Council.

## **PROPOSED RULEMAKING DECISIONS**

### **WAC 51-54, 2003 IFC**

The definition of nightclub was discussed.

#### **Motion #3:**

**Dave Baker moved adoption of IFC code changes as proposed in the CR-102 and corresponding code changes in the IBC. Peter DeVries seconded the motion.**

#### **Amendment to Motion #3:**

**Diane Hansen moved an amendment proposed by the Washington State Association of Fire Marshals defining nightclub. Peter DeVries seconded the motion.**

#### **Amendment to Amendment to Motion #3:**

**Tom Kinsman moved an amendment to the amendment, in (3) and in 903.2.1.6, before “occupant load” to delete “operating”. Stephen George seconded the motion. The amendment to the amendment to Motion #3 was adopted, receiving 8 yes votes.**

#### **2<sup>nd</sup> Amendment to Amendment to Motion #3:**

**Tom Kinsman moved to change “The fire code official” to “The authority having jurisdiction” in (3) and in 903.2.1.6. John Cochran seconded the motion. The motion failed to receive a majority, 7 aye to 3 nay.**

Diane said the fire marshals’ proposal was the result of work at two meetings. All Fire Code TAG members attended those meetings. Dave said, respecting that, he still opposes the amendment.

**The question was called for on the Amendment to Motion #3, as proposed by the state fire marshals, amended to delete “operating” before “occupant load.” The**

**motion received 7 aye versus 3 nay votes. Chairman Neff voted in favor of the motion. Thus the amendment to Motion #3 was adopted.**

**The question was called for on Motion #3. John Neff reminded everyone that Council adoption is conditional, pending final approval on December 1 after the Fire Protection Policy Board meeting on November 29. The motion was adopted, receiving 9 aye to 1 nay votes.**

### **WAC 51-50, 2003 IBC**

#### **Section 1008: Doors, Gates and Turnstiles**

John Neff said this proposed code change includes a horizontal, sliding door amendment.

#### **Motion #4:**

**Diane Hansen moved adoption of the proposed code change to Section 1008. Tom Kinsman seconded the motion. The motion was unanimously adopted.**

#### **Section 1101: Elevator Buttons**

#### **Motion #5:**

**Tom Kinsman moved adoption of the proposed code change to Section 1101. Steve Mullet seconded the motion.**

John Neff clarified that this proposal amends the ANSI standard that is part of the ANSI code, requiring positive- and negative-numbered elevator buttons. The ANSI standard uses minus numbers for floors below the lobby level. The proposal before the Council removes that section from the code.

**The question was called for. Receiving 10 aye votes, the motion was adopted.**

#### **Safety Glazing**

#### **Motion #6:**

**Peter DeVries moved that the Council make the emergency rule for safety glazing permanent. John Cochran seconded the motion. The motion was unanimously adopted.**

## WAC 51-11, WSEC

### **Motion #7:**

**Dave Baker moved that the Council make the emergency rule for economizers permanent. Terry Poe seconded the motion. The motion was unanimously adopted.**

## WAC 51-04, Policies and Procedure

### **Motion #8:**

**Dave Baker moved approval of all proposed code changes to WAC 51-04. Mari Hamasaki seconded the motion.**

### **Amendment to Motion #8:**

**Diane Hansen moved an amendment to WAC 51-04-020, “state amendments as approved by the council shall be submitted to the appropriate model code organization at the direction of the council,…” Steve Mullet seconded the motion.**

Dave Baker asked if the intent is, after Council adoption, that the Council automatically forward those amendments to a model code organization. He expressed concern about adopted amendments hanging in limbo indefinitely. Diane said she assumes sending amendments to model code organizations will be automatic, with few exceptions. John Neff agreed.

**The question was called for. The amendment to Motion #8 was unanimously adopted.**

Tom raised a question about 51-04-030, “All local amendments submitted for use shall be accompanied by findings of fact adopted by the governing body....” He asked if the governing bodies of local jurisdictions actually adopt findings of fact, or just the issues that they relate to. John Neff said that they typically do adopt findings of fact in land use decisions, to use as a potential defense in court cases. Steve Mullet said WAC 51-04-030 doesn’t ask local jurisdictions to do anything they don’t presently do.

Dave spoke in favor of the amendment. He said, even if every local jurisdiction doesn’t provide the findings of fact, the Council will be much farther ahead than it currently is. Diane spoke against the code change, saying it won’t cause any significant change. She said the more appropriate way, rather than changing the WAC, is to make it consistently clear to local jurisdictions that their applications will be denied unless findings of fact are submitted.

**Amendment to Motion #8:**

**Diane Hansen moved to strike the added sentence in WAC 51-04-030 and 51-04-035 about findings of fact. Tom Kinsman seconded the motion.**

Dave and Steve both spoke against the amendment. Ron Fuller said the basic question is whether the burden is on the Council or on the requester. He feels it's appropriate to have it on the requester.

**The question was called for. The amendment to Motion #8 deleting findings of fact, failed, 1 aye to 9 nay.**

Tom spoke in favor of a suggestion by Jon Siu, to change "diminish" to "alter" in WAC 51-04-030 instead of "affect". He said "alter" is more understandable than "affect/effect." John Neff said "affect" was chosen because it appears in the statute.

**Amendment to Motion #8:**

**Tom Kinsman moved to replace "diminish" with "alter" in 51-04-030. John Cochran seconded the motion. The motion was adopted, 9 aye to 1 nay.**

**The question was called for on Motion #8 as amended. The motion was unanimously adopted.**

**STAFF REPORT**

**December 1 Conference Call**

Tim reminded Council members that there will be a conference call meeting on December 1. The monitor site will be in the Raad Building, Olympia. The purpose of that meeting is to review proposals the Fire Protection Policy Board (FPPB) may make on November 30 to the nightclub sprinkler rule. The emergency rule on HVAC efficiency requirements can also be dealt with during the conference call.

Krista noted that December 1 is a Thursday rather than Friday, the usual Council meeting date. Statute requires Council action by December 1, so that date is the deadline regardless of what day of the week it is.

The time of the conference call was set at 1 p.m. John Cochran said he won't be able to participate because he'll be in Las Vegas on December 1.

Dave asked what happens if the FPPB suggests changes to the nightclub sprinkler rule that the Council doesn't agree with. Tim said the statute doesn't obligate the Council to adopt FPPB changes.

### **December 15 Boards & Commissions Commissioner Conference**

Tim said there is a training session for Council members, sponsored by Governor Christine Gregoire, on December 15. It will be held at the Department of Labor and Industries in Tumwater from 9 a.m. to 3 p.m. Following the training session is a reception at the Governor's mansion from 4 p.m. to 5:30 p.m. Information has been sent to Council members, and more will be sent.

Tim said that expectations of the Governor about this conference include operating principles and code of ethics.

### **2006 Meeting Schedule**

Tim called attention to a proposed schedule of Council and Committee meetings during 2006. He noted that 2006 is an adoption year. New editions of the International codes and the Uniform Plumbing Code will be available then. Public hearings are scheduled in both Spokane and Seattle to receive testimony about the new codes.

#### **Motion #9:**

**Peter DeVries moved adoption of the 2006 proposed Council meeting schedule. Steve Mullet seconded the motion. The motion was unanimously adopted.**

### **Effective Date of New Rules**

Tim said the standard practice is an effective date of July 1 the following year.

John Neff said since everything passed today was under the old WAC 51-04, it all becomes effective on July 1, 2006.

#### **Motion #10:**

**Dave Baker moved that the effective date of changes to WAC 51-04 be January 1, 2006 and that the effective date of code changes be July 1, 2006. Steve Mullet seconded the motion. The motion was unanimously adopted.**

## **STAFF REPORT**

Tim said that four candidates will be interviewed on Monday for the open position with Council staff. Diane and Rory will be on the interview panel.

## **ADJOURNMENT**

Lacking further business, John Neff adjourned the meeting at 1:45 p.m.